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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/318,447	05/25/1999	PERI HARTMAN	249768002US2	1430
25096	7590	10/31/2003	EXAMINER	
PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			FADOK, MARK A	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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Commissioner for Patents

Please see attached response to applicant's amendment filed 8/19/2003.

Art Unit: 3625

DETAILED ACTION

Response to Amendment

The reply filed 8/19/2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the response to the 37 CFR 1.105 Requirement is incomplete, i.e. Applicant states that information subject to a protective order of the Federal district court is being withheld. The examiner notes that:

"Inventors and others covered by 37 CFR 1.56(c) and 1.555 have a duty to disclose to the Office information they are aware of which is material to patentability. 37 CFR 1.56(b) states that

information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

It is incumbent upon patent applicants, therefore, to bring "material" information to the attention of the Office. It matters not whether the "material" information can be classified as a trade secret, or as proprietary material, or whether it is subject to a protective order. The obligation is the same; it must be disclosed if "material to patentability" as defined in 37 CFR 1.56(b)." (MPEP 724).

Since the above mentioned reply appears to be bona fide, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing of this notice, whichever is longer, within which to supply the omission or correction to avoid abandonment.

EXTENSION OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Additional Information Requested under Rule 1.105

This additional information requirement is based on an article by Robert Godbey in the Hawaii Business magazine which states that Amazon.com owned BountyQuest.com and paid persons for relevant art. Since BountyQuest is no longer an active website, the examiner requests that prior art submitted to this website that challenges the validity of Patent #5,960,411 also be submitted to the examiner along with the information requested above. A complete response to this Office Action must include both the information previously not provided along with this additional information.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450


Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including
After Final communications labeled
"Box AF"]

(703) 746-7206 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.



Mark Fadok

Patent Examiner



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800